

Pub. Imp. _____
Govt. Grnt. _____
Emer. _____
P. Hrngs. _____
Pgs. 5
Filed: 07-08-08

Sponsored by: Wylie

COUNCIL BILL NO. 2008 - 217 RESOLUTION NO. _____

A RESOLUTION

1
2 GRANTING the request to waive the fee in lieu of constructing a sidewalk along
3 Horseshoe Avenue, generally located at 3405 South Horseshoe Avenue,
4 and requiring the construction of an environmental betterment project.
5 (Staff recommends approval.)

8
9
10 WHEREAS, the Planning and Zoning Commission approved a request for a
11 variance from the requirement to construct a sidewalk along Horseshoe Avenue; and
12

13 WHEREAS, the property owner has requested the fee in lieu of constructing the
14 sidewalks required by Section 303(7) of the Subdivision Regulations be waived; and
15

16 WHEREAS, Public Works supports the grant of the fee waiver due the existence
17 of the following conditions: (1) the street is of rural construction with drainage beside the
18 street making sidewalk construction difficult, (2) construction of a rain garden would
19 provide water quality benefits to the sinkhole watershed, (3) the average density on the
20 portion of Horseshoe Avenue within one-eighth mile of this lot is less than one dwelling
21 unit per acre; and (4) sidewalks do not exist on Horseshoe Avenue or Galloway Road
22 within one-eighth mile of this lot; and
23

24 WHEREAS, the developer of the property supports construction of an
25 environmental betterment project in lieu of construction of the sidewalk or payment of a
26 sidewalk fee in lieu of construction; and
27

28 WHEREAS, following an independent review, the City Council may grant a
waiver in whole or in part of the fee in lieu of sidewalks for extraordinary circumstances.

30
31 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
32 SPRINGFIELD as follows, that:
33

34 Section 1 - The requirement of paying a fee in lieu of a sidewalk being
35 constructed as required by Section 303, (7) of the Subdivision Regulations of the City of
36 Springfield, Missouri is hereby waived for the sidewalk along Horseshoe Avenue,
37 generally located at 3504 Horseshoe Avenue, for this uniquely situated property due to
38 the following conditions: (1) the street is of rural construction with drainage beside the
39 street making sidewalk construction difficult, (2) construction of a rain garden would
40 provide water quality benefits to the sinkhole watershed, (3) the average density on the
41 portion of Horseshoe Avenue within one-eighth mile of this lot is less than one dwelling
42 unit per acre; and (4) sidewalks do not exist on Horseshoe Avenue or Galloway Road
43 within one-eighth mile of this lot.
44

45 Section 2 - In lieu of paying a fee in lieu of constructing the sidewalk, the
46 property owner is required to construct an environmental betterment project, such as a
47 rain garden, within the Subdivision. The City Council authorizes the Department of
48 Public Works to assist the property owner in design of the environmental betterment
49 project.
50

51 Section 3 - This resolution shall be effective immediately upon adoption.
52

53 Passed at meeting: _____
54

55
56 _____
57 Mayor
58
59

60 Attest: _____, City Clerk
61

62 Filed as Ordinance: _____
63

64
65 Approved as to form: Marianne Henderson, Assistant City Attorney
66

67
68 Approved for Council action: Linda Honea, Interim City Manager
69
70

71 N:\SHARE\CBILLS - 2008\07-14-08\Horseshoe Ave fee waiver_mlb.doc

Affected Agency Notified:	Yes
Emergency Required:	No
Budget Adjust. Required:	No
Board Rec. Required:	No
Public Hearing:	No
Sponsor:	Wylie
Date:	June 27, 2008

EXPLANATION TO COUNCIL BILL NO. 2008-

ORIGINATING DEPARTMENT: Planning & Development

PURPOSE: To adopt a resolution to grant the waiver of a fee in lieu of construction of a sidewalk along Horseshoe Avenue, generally located at 3504 South Horseshoe Avenue. (Staff recommends approval).

BACKGROUND INFORMATION:

The Planning & Zoning Commission held a public hearing on May 15, 2008, and approved a Subdivision Variance to not construct the sidewalk by a vote of 9 to 0. The developer has requested that the fee in lieu also be waived.

STAFF COMMENTS:

Public Works supports a waiver of sidewalk construction and a waiver of the fee in lieu of sidewalk construction because:

1. The street is of rural construction with drainage beside the street making sidewalk construction difficult.
2. Construction of a rain garden would provide water quality benefits to the sinkhole watershed. A rain garden will meet the water quality requirements for this sensitive sinkhole watershed.
3. Average density on the portion of Horseshoe Avenue within one-eighth mile of lot is less than one dwelling unit per acre.
4. There is no sidewalk on Horseshoe Avenue or Galloway Road within one-eighth mile of the lot.

While Public Works has rarely supported a waiver of the fee in lieu of construction for sidewalk construction, staff believes this is a unique case in terms of serving the public's best interest. This property is within the Cherryvale Sinkhole watershed and staff would like to minimize the impervious area to the maximum extent possible. The available options to the owner are to (1) construct the sidewalk along the frontage of Horseshoe; (2) pay a fee in lieu of construction or (3) obtain Council approval for a waiver of the fee in lieu of construction. Given the cost to construct vs. the fee in lieu of construction, the owner would likely construct a sidewalk with limited pedestrian or neighborhood benefit.

Staff could also support an environmental betterment project in lieu of paying the fee. Public Works has discussed the viability of constructing a rain garden as an environmental betterment project. This will further reduce the runoff from the property and enhance the downstream water quality. Public Works is willing to assist with the design should this alternative be approved.

RECOMMENDATION:

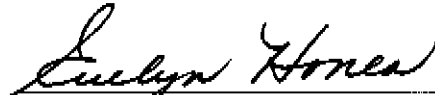
Staff recommends the request be approved.

Submitted by:



Planning and Development

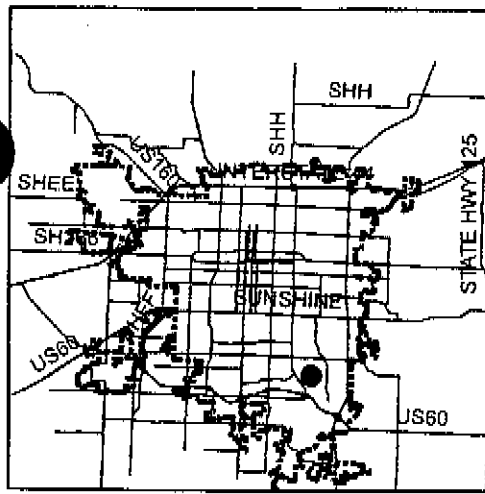
Approved by:



Interim City Manager

Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

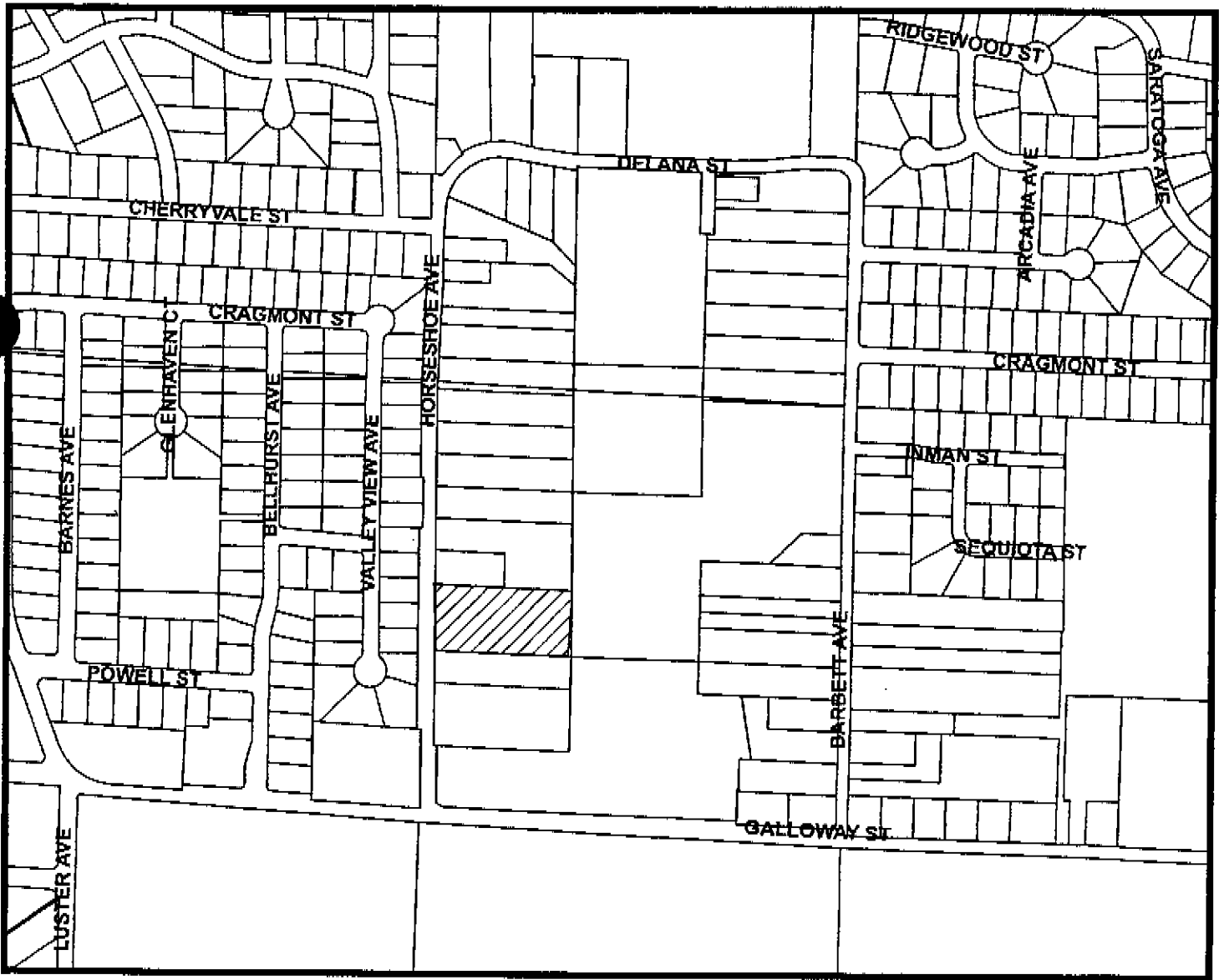


Location: 3504 South Horseshoe Avenue

Current Zoning: R-SF

Proposed Zoning: N/A

LOCATION SKETCH



- Area of Proposal



1 inch equals 500 feet